

Estes Valley Nonconforming Uses Structures and Lots

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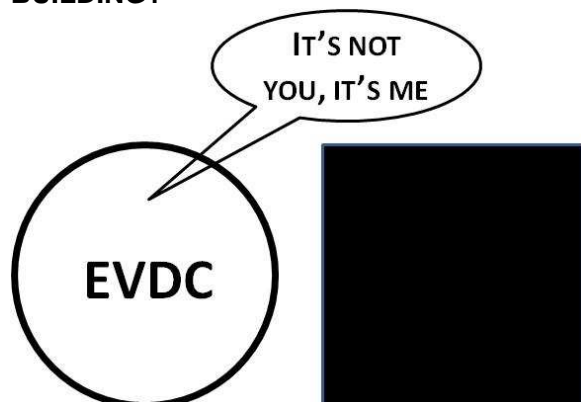
OVERVIEW

Chapter 6 *Nonconforming Uses* of the Estes Valley Development Code (EVDC) outlines rules and regulations for nonconforming uses, lots, and buildings.

These regulations recognize the rights of property owners to continue use of their property, but to reasonably control expansions and the rebuild of nonconforming buildings that have been substantially destroyed.

To this end, nonconforming uses can continue to exist and to be put to productive use, but expansions and alterations are regulated.

WHAT IS A NONCONFORMING USE OR BUILDING?



A nonconforming use or building is a use or building that was *legally* established prior to the effective date of the EVDC, but that no longer complies with the use regulations.

Nonconforming lots are lots that were legally created but no longer conform to lot size or dimensional standards (see 'Separate Lot Determinations' handout).

MY LOT IS NONCONFORMING. WHAT DOES THAT MEAN?

For single-family lots, not much. In fact, most lots in the Estes Valley are nonconforming to either lot size or dimension. These lots may be occupied by a single-family detached residential use.

CAN I MAINTAIN MY BUILDING?

Yes. Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition are allowed.

CAN I BUILD AN ADDITION?

In some cases.

1. Nonconforming uses cannot be altered or extended.
2. A building that conforms to use, but is nonconforming to height, setback or coverage, may be expanded as long as the new addition complies with the zoning requirements.
3. For example, if a house is built in a setback, and the new addition complies with the setback, the new addition is allowed.
4. If the new addition is in the setback, a variance would need to be granted by the Estes Valley Board of Adjustment.
5. Extension of a nonconforming use to a portion of a structure built for the nonconforming use is not an extension of a nonconforming use.

CAN I REBUILD?

It depends. If a nonconforming use is abandoned or discontinued for a period of twelve consecutive months, its nonconforming status shall terminate. Further use of the property or structure must be conforming.

If a nonconforming use or structure is voluntarily removed, it cannot be rebuilt.

If a nonconforming structure is damaged or destroyed by fire, flood, wind, explosion or act of God, the structure or use may continue, but restoration must be started within one year of such calamity and be completed within three years of initiating restoration.

Note: This information was summarized from EVDC Chapter 6 *Nonconforming Uses, Structures and Lots*. Please visit www.estes.org for complete development code requirements.